

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
MARCH 18, 2021
APPROVED: JULY 1, 2021**

Chair Don Ritchie called the meeting to order at 7:01pm, virtually, in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

Members Present: Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Mark Adams (Harvard Snowmobile Club), Bob O'Shea (Parks & Recreation Commission), Andrea Agostino (New England Electric Company), Deanne Vesty (Tighe & Bond), Tom Cotton, Jim Lee and Bob Douglas

Harvard Snowmobile Club End of Season Update – Mark Adams

Mark Adams, president of the Harvard Snowmobile Club (HSC), stated with the current weather trail signs are being removed. There was a good solid three weeks of good riding this season. HCS will be working with a local Boy Scout, who will be re-building a bridge on one of the trails, that may require approval from the Commission.

Wendy Sisson noticed the access to Herman Orchard through the McLaughlin's property. Mark Shaw explained a friend of McLaughlin is a snowmobiler; that is who was using that access and not HSC. In regards to the Herman Orchard, Ms. Sisson stated the Commission does not want the snowmobile trail to go down to the sprayer pond and requested next year signage to that effect be installed to deter snowmobiles from crossing the wetland in that area.

Wetland Enforcement Update – 92 South Shaker Road

Liz Allard stated the Notice of Intent was received today, with the public hearing scheduled for April 1, 2021.

Request to Extend Order of Conditions – Department of Public Works, Town-Wide, DEP#177-662

Paul Willard made a motion to extend the Order of Conditions, DEP#177-662, for three years. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

Approve Allocation of Funds – Mileage Reimbursement

Joanne Ward made a motion to allocate \$153.64 from the Wetland Bylaw account for the reimbursement of site inspection mileage for Liz Allard. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

Approve Minutes

Jaye Waldron made a motion to approve the minutes of November 16, 19 and December 3, 2020 as amended. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

Review 310 CMR 10.03(3) - Presumption Concerning 310 CMR 15.000: The State Environmental Code, Title 5

With tight tanks not a viable option, Wendy Sisson wanted to revisit this provision of the Wetland Protection Act Regulations. The Commission will need to learn other ways to handle applications that propose septic systems close to the wetland. Ms. Sisson stated the setbacks stated in 310 CMR 10.03(3) do apply if there is an alternative. Since, this was her read of the regulations, Liz Allard wants to follow up with Department of Environmental Protection.

Continuation of the Revisions to Code of Harvard Chapter 147 Harvard Wetland Bylaw Regulations. Opened at 7:30pm

Continuation of a Request for Determination of Applicability Hearing – Marc Seigny, 74 Shaker Road, Harvard#0221-01. Opened at 7:45pm

Request for Determination of Applicability Hearing, New England Power Company, Stow Road (Map 32 parcels 6 and 55), Harvard#0321-01. Opened at 8:00pm

Continuation of a Notice of Intent Hearing – Parks & Recreation Commission, Harvard#0221-02. Opened at 8:15pm

Update on Pine Hill Village Stow Road

With the installation of some of the rain gardens planned for next week, Nitsch Engineering shall be asked to conduct an inspection of the site.

Adjournment

Jaye Waldron made a motion to adjourn the meeting at 8:20pm. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated March 18, 2021

**Harvard Conservation Commission
Revisions to Code of Harvard Chapter 147
Harvard Wetland Bylaw Regulations
March 18, 2021**

The public hearing was opened at 7:30pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

Members Present: Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent)

This hearing was continued from February 18, 2021 on revisions to the Code of Harvard Chapter 147 Harvard Wetland Bylaw Regulations.

With final edits still in process, Jaye Waldron made a motion to continue this hearing to April 15, 2021 at 7:45pm. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

Harvard Conservation Commission
Continuation of a Request for Determination of Applicability
Marc Sevigny, 74 Shaker Road, Harvard#0221-01
March 18, 2021

The public hearing was opened at 7:45pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

Members Present: Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent)

This hearing was continued from February 18, 2021 for a Request for Determination of Applicability filed by Marc Sevigny for the installation of a 96' boardwalk within a wetland resource area to access an upland area at 74 Shaker Road, Harvard.

At the applicant's request, Wendy Sisson made a motion to continue the hearing to April 1, 2021 at 7:30pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Request for Determination of Applicability
New England Power Company
Stow Road (Map 32 parcels 6 & 55), Harvard#0321-01
March 18, 2021**

The public hearing was opened at 8:00pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

Members Present: Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Deanne Vesty (Tighe & Bond), Andrea Agostino (New England Power Company) and Bob Douglas

This hearing is for a Request for Determination of Applicability filed by New England Power Company, for the removal of lead and PCB contaminated soils, a corroded 55 gallon-drum, and metal car debris within the 100' buffer zone of a wetland resource area at Stow Road (Map 32 parcels 6 and 55), Harvard.

Deanne Vesty, from Tighe & Bond, along with Andrea Agostino, from New England Power Company, were present. Ms. Vesty detailed the activity to remove a corroded 55 gallon-drum, metal car debris and contaminated soils. Ms. Agostino stated the removal of the drum and soil will be done by hand, and the car will be cut into pieces. The Commission had reviewed the site earlier this week and requested revisions have been made to the plan.

Wendy Sisson made a motion to close the hearing and issue a Negative #3 Determine with the condition that the siltation barrier is inspected by the Conservation Agent prior to the commencement of work. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Continuation of a Notice of Intent Hearing
Parks & Recreation Commission, Harvard#0221-02
March 18, 2021**

The public hearing was opened at 7:45pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

Members Present: Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Bob O'Shea (Parks & Recreation Commission), Keith Bilafer,

This hearing was continued from March 4, 2021 for a Notice of Intent filed by Harvard Parks & Recreation Commission for the generalized operation and maintenance of parks and recreation fields and trails within 100' of a wetland resource area at the following locations: 19 & 34 Lancaster County Rd, 55 & 71 Depot Rd, Ann Lees Rd, 14 & 27 Mass Ave, and 4 & 15 Pond Rd, Harvard.

Still without a Department of Environmental Protection file number, the hearing needed to be continued. Wendy Sisson made a motion to continue the hearing to April 1, 2021 at 7:25pm. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; and Don Ritchie, aye.

Jaye Waldron was ineligible to vote on this application due to her absence at the previous hearing.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent